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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/310,252 02/13/89 QUEEN

C 118239

EXAMINER

FEISEE, L

ART UNIT PAPER NUMBER

186

10

DATE MAILED: 03/05/91

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

*restricted*

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 9 month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice re Patent Drawing, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, Form PTO-152
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

Part II SUMMARY OF ACTION

1.  Claims 1 - 28 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims \_\_\_\_\_ are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims 1-6, 8-11, 17-23 are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

EXAMINER'S ACTION

Serial No. 310252  
Art Unit 186

An election was made on paper number 6 filed on 5/26/90 electing group I which consisted of claims 1-6, 8-11 and 17-23. However, the examiner deemed it necessary to further restrict the elected group into the following groups.

5 A telephone call was made to William Smith, on 2/28/91, to request an oral election to the further restriction requirement, but did not result in an election being made as the applicant prefers to receive all requirements in writing.

Restriction to one of the following inventions is required  
10 under 35 U.S.C. 121:

I. Claims 1-6, drawn to a method of preparing  
humanized antibodies, classified in Class  
435, subclass 69.6.

II. Claims 8-11, drawn to a second method of  
preparing a humanized antibody, classified in  
15 Class 435, subclass 69.6.

III. Claims 17-23, drawn to a method of improving  
the affinity of a humanized immunoglobulin,  
classified in Class 435, subclass 69.6.

20 The inventions are distinct, each from the other because of  
the following reasons:

Inventions I and II are two distinct methods of making a  
humanized antibody incorporating different steps in each method.  
Therefore, inventions I and II are subject <sup>to</sup> ~~of~~ restriction.

25 Inventions (I and II) and III are distinct methods in that  
inventions I and II are methods of making a humanized antibody

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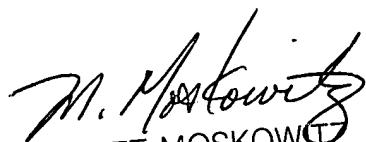
while invention III is a method of improving the affinity of a humanized antibody. Due to the different steps involved in the methods, the three inventions are subject to restriction requirement.

5       Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must 10 be accompanied by a diligently-filed petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lila Feisse whose telephone number is (703) 308-2731.

15       Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Feisse/lf  
February 28, 1991

  
MARGARET MOSKOWITZ  
SUPERVISORY  
PATENT EXAMINER  
ART UNIT 186